

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1318-02
Bill No.: SB 389
Subject: Eminent Domain and Condemnation
Type: Original
Date: March 14, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Road*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on Other State Funds*	(Unknown)	(Unknown)	(Unknown)

*** Could exceed \$100,000 in any given fiscal year.**

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General, Office of Administration, Department of Natural Resources, Department of Corrections,** and the **Department of Conservation** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Transportation (MoDOT)** assume the legislation could have potentially significant negative fiscal impact on the Missouri Highways and Transportation Commission (MHTC) for the cost of acquiring right of way for public improvement projects, including those requiring right of way for road and bridge projects. Most of MHTC's condemnation proceedings are partial takings. Being required by law to utilize the income approach in partial takings would result in higher damages awarded in such condemnation suits. The fiscal impact would depend on the properties that need to be condemned in the future; therefore, MoDOT is unable to determine the amount.

Oversight assumes the costs to MoDOT could exceed \$100,000 in any given fiscal year.

ASSUMPTION (continued)

Officials from the **Boone County Recorder of Deeds, Greene County Recorder of Deeds, St. Charles County Recorder of Deeds,** and the **Jackson County Recorder of Deeds** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
ROAD FUND			
<u>Costs</u> – Department of Transportation			
Increased damages in condemnation suits*	<u>(Unknown)</u>	<u>Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON ROAD FUND*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

* Could exceed \$100,000 in any given fiscal year.

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would require consideration of use and income derived from the property in setting damages in condemnation proceedings.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
Office of State Courts Administrator
Department of Transportation
Department of Natural Resources
Department of Corrections
Department of Conservation

NOT RESPONDING

Boone County Recorder of Deeds
Greene County Recorder of Deeds
St. Charles County Recorder of Deeds
Jackson County Recorder of Deeds

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 14, 2003